

Notice of Allowability

Application No.

10/808,999

Examiner

Thomas K. Pham

Applicant(s)

STARON ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/10/2006.
2. ☒ The allowed claim(s) is/are 1-18 and 24-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Drawings

1. The drawings were received on 07/10/2006. These drawings are acceptable.

Reasons for Allowance

2. Claims 1-18 and 24-26 are allowed.
3. The following is an examiner's statement of reasons for allowance:

While Nixon (U.S. Patent No. 5,909,368) discloses a process controller implements an overall, user-developed control strategy in a process control network that includes distributed controller and field devices. The control strategy is selectively apportioned into a plurality of control strategy modules and selectively distributed among the field device, controller and workstation, the control strategy modules operating mutually independently and in parallel. The process control environment includes a template generator and a control template library which, in combination, form a control template system that defines as grouping of attribute functions that are used to control a process and the methodology used for a particular process control function. Nixon does not teach templates include software for controlling self-organizing autonomous control units that represent controlled devices for the purpose of organization; processing device that generates executable programming at least partly governs self-organizing-type behavior of the distributed control system; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

And Guenther (U.S. Patent No. 6,119,052) discloses a market based controller controls the motion of an object on a transport assembly using sensors and actuators. Actuators units use quantities of system resource such as an air pressure source to move object on the transport

assembly. Sensor units provide positional information of the object on the transport assembly. Market agents compute bids to purchase quantities of the system resource for the actuator units. A market auctioneer receives the bids computed by the market agents and the available quantities of the system resource to compute an allocation of the system resource that satisfies an aggregation of the bids. Guenther does not disclose software for controlling self-organizing autonomous control units that are present controlled devices in the process of self-organization; processing device that generates executable programming at least partly governs self-organizing-type behavior of the distributed control system; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art at the time of the invention, in conjunction with all the other claimed limitations, a system for programming a plurality of self-organizing autonomous control units forming a distributed control system having all the claimed features of applicant's instant invention, specifically including: templates that include software for controlling self-organizing autonomous control units that represent controlled devices for the purpose of organization; processing device that generates executable programming at least partly governs self-organizing-type behavior of the distributed control system, etc., as set forth in the claims.

Also, there is no motivation to combine the Nixon reference with the Guenther reference to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham

Patent Examiner

A handwritten signature in black ink, appearing to read 'Thupham', with a long horizontal flourish extending to the right.

July 31, 2006